

REMARKS

This amendment is in response to the Office Action of February 6, 2009 in which claims 1-21 were rejected.

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Regarding the Information Disclosure Statement referred to by the Examiner, it is believed that the Examiner is referring to the Information Disclosure Statement filed August 7, 2006 without any PTO-1449. This Information Disclosure Statement disclosed the IPRP transmitted by the IB on May 11, 2006 which the Applicant submitted for the purpose of referring the Examiner to the notification concerning transmittal of a copy of the IPRP with the favorable conclusions of the International Search Authority concerning patentability as contained in the Written Opinion of March 2, 2005 submitted at the time of entry into the U.S. national stage. It is not necessary for the Examiner to make this of record as it was only submitted for the purpose as stated above. Moreover, the Examiner has asserted the D1 document U.S. 2003/0088778 in a novelty rejection and the Examiner has acknowledged that this U.S. publication (*Lindqvist et al*) was submitted by the Applicant upon entering the U.S. national stage.

It was stated in the Written Opinion that the invention defined in claims 1-21 is not disclosed by D1 (or D2 – U.S. 2002/0116471). The cited prior art, according to the Written Opinion, does not give any indication that would lead a person skilled in the art to the claimed method, system and terminal for datacasting, the method comprising providing ESG data and supplemental data selectively provided by a datacast operator. Therefore, according to the ISA, the claimed invention is not obvious to a person skilled in the art. Accordingly, the invention defined in claims 1-21 is novel and is considered to involve an inventive step.

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Regarding the objection to claims 12 and 15-18 as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim, please note that upon entering the U.S. national stage, the Applicant submitted a Preliminary Amendment A in which claim 12 was amended to depend

from claim 9 only and claims 15-18 were similarly amended to depend from claim 9 only. There are no multiple dependent claims. Withdrawal of the objection is requested.

Regarding the statutory subject matter rejection of claims 1-4 and 18, these have been amended in claims 1-4 by reference to a datacast service system and in claim 18 by reference to a computer-readable storage medium having program instructions stored as program code thereon. Withdrawal of the statutory subject matter rejection of claims 1-4 and 18 is requested.

Regarding the 35 U.S.C. § 102(b) rejection of claims 1-16 and 18-21 based on *Lindqvist et al* (U.S. Patent Application Publication No. 2003/0088778), Applicants have amended the independent claims as shown above to recite the feature of the supplementary data being specific to the datacast operator.

The Examiner refers to Fig. 8 (reproduced on the front page of *Lindqvist et al*) and paragraph 0096 on page 8 of *Lindqvist et al*, noting that *Lindqvist et al* describe “providing supplementary data selectively provided by a datacast operator.”

Actually *Lindqvist et al* describe “a terminal offerings module running on each terminal may save this data and use it to build a listing of available distributions of content. Such a listing could be referred to as an electronic service guide (ESG). The terminal offerings module may associate with each list of distribution being a unique identifier relating to that distribution.” (emphasis supplied)

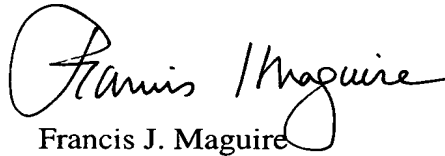
In other words, in claim 1 the supplementary data is provided by the datacast operator, and in *Lindqvist et al* the unique identifier is provided by the terminal running the terminal offerings module.

Withdrawal of the novelty rejection of claims 1-16 and 18-21 is requested.

Regarding the obviousness rejection of claim 17, it is patentable for at least the same reasons as given above in Applicant overcoming the rejection of claim 9 from which it depends. Withdrawal of the obviousness rejection of claim 17 is requested.

The objections and rejections of the Office Action of February 6, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-5 and 7-30 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with the first name "Francis" and last name "Maguire" clearly distinguishable.

Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/mo
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234